

### **REMARKS**

The claims have been amended to simplify prosecution. Claims 13-19 and 25-35, directed to non-elected inventions, have been canceled. Claims 20-24 have been retained because applicants are aware that should the pending claims, directed to compounds, be considered allowable, rejoinder will be permitted with regard to claims to a method to use these compounds. Claim 1 has been amended to conform to the results in Table 2 on page 16 of the specification and as suggested by the Office on page 6 of the Office action. It is believed that claim 10 was mistakenly included in this rejection. It is understood that in the particular assay, SEQ. ID. No.: 3 exhibited entry of the cells and thus has the potential for antiviral activity.

Claim 1 now also more clearly excludes the LAP peptide.

### **Formal Matters**

Applicants agree that no priority is intended to be claimed with regard to this application.

An appropriate Information Disclosure Statement is enclosed with this response.

### **The Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claim 2 was objected to because it is asserted that amino acids are encoded by codons, not genes; as codons are parts of genes, the claim is believed correct.

Claims 3-5 have been amended to clarify the antecedent basis in claim 1.

Claim 11 has been amended to delete SEQ. ID. No.: 16. It is believed all rejections under this section are therefore overcome.

### Double-Patenting

Claims 1-9, 11 and 12 were rejected as assertedly double-patenting over claims 1-5 of U.S. patent 6,291,637. It is believed that the amendments to the claims dispose of this rejection as the LAP peptide, and anything containing it, is excluded from the claims.

### The Rejection Under 37 C.F.R. § 1.75(c)

This rejection is mooted by the amendment to the claims.

### The Rejection Under 35 U.S.C. § 102(b)

Claims 1-3, 5-9 and 11 were rejected as anticipated by Das (WO 99/61613). It is believed that the amendment to the claims obviates this rejection as well, as the LAP peptide is now clearly excluded from the claims.

### The Rejection Under 35 U.S.C. § 112, First Paragraph

All claims were rejected under this paragraph as overbroad. Claim 1 has been amended substantially in conformance with the acknowledged proper scope. The only exception is the retention of sufficient scope to include SEQ. ID. No.: 3 which applicants do not believe is properly excluded. Although SEQ. ID. No.: 3 did not, in this assay, specifically show antiviral activity, since the compound was shown capable of entering the cells, it clearly has promise for antiviral activity even though in an assay for translation inhibition no activity was shown in this particular assay.

Accordingly, applicants believe this basis for rejection may also be withdrawn.

### CONCLUSION

The claims have been substantially to expedite prosecution. It is respectfully submitted that claims 1-7 and 9-12 are in position for allowance. As claims 20-24 are directed simply to a

method to use the compounds of claims 1-7 and 9-12, these claims, which are dependent on claim 1, may be rejoined. Passage of claims 1-7, 9-12 and 20-24 to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 220002054822.

Respectfully submitted,

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